

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**January 14-18, 2002**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
1-14	EX	75/597,830	Guardian Int'l., Inc.	Cissel Quinn* Chapman	2(d)	Refusal Reversed		"SECURITY BY GUARDIAN INTERNATIONAL" (and design incorporating the letter 'G') [installation and maintenance of burglar alarms, fire alarms, home and commercial security systems, voice intercom systems and closed circuit television (CCTV) and card access systems; monitoring of burglar alarms, fire alarms and home and commercial security systems]	<i>Two cited registrations, owned by different entities:</i> "PROTECTED BY GUARDIAN BURGLAR ALARM 1-800-STAY-OUT" (and design) [installation of burglar alarms and burglar alarm protection services] <i>and</i> "GUARDIAN PROTECTION SERVICES" (and design) [monitoring of security systems; installation of security systems]	Baldwin	No
1-14	EX	75/024,851	Tritex Corp.	Seeherman Quinn Chapman*	2(d)	Refusal Affirmed		"CONTOUR" [foundation garments for women, namely, body shapers]	"CONTOURS" [women's clothing, namely, panties]	LaMothe	No
1-15	EX	74/451,390	Century Mfg. Co.	Quinn* Hairston Holtzman	2(e)(1) [genericness]	Refusal Affirmed		"BOOSTER PAC" [cordless rechargeable portable power supply for automotive, home, and leisure]		Neville	No
1-15	EX	75/533,137	The Hermitage Group, Inc.	Quinn* Holtzman Drost	2(a) [false suggestion of a connection]	Refusal Affirmed		"HERMITAGE" (and design incorporating an artist's palette and brushes) [printed art reproductions]		Luthey	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**January 14-18, 2002 (continued)**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
1-16	EX	75/628,267	A.D. 1619 Co.	Simms Hohein Chapman*	whether applicant's specimens show service mark use of its mark in connection with its recited services	Refusal Affirmed		"BRILL BUILDING" [entertainment services, namely, provision of background, backdrops and visual settings for motion pictures, television broadcasts, and video and sound recordings]		Wahlberg	No
1-16	EX	75/256,050	Wakunaga of America Co. Ltd.	Cissel* Hohein Rogers	2(e)(1)	Refusal Affirmed		"AGED GARLIC EXTRACT" [specially processed garlic in liquid and powder form, namely, for use as a food supplement and a vitamin]		Ward	No
1-16	EX	75/591,787	Gibson Guitar Corp.	Cissel Wendel Drost*	2(d)	Refusal Affirmed		"LEARN2PLAY" [providing on-line instruction lessons over a global computer network for playing musical instruments, namely, on-line one-on-one interactive lessons; and on-line group lessons]	"THE LEARN TO PLAY STORES" [retail outlets for organs, pianos, digital pianos, portable keyboards, string instruments, band instruments, amplifiers, combo equipment, sheet music and accessories for all instruments]	R. Smith	No
1-16	EX	75/650,428	Huck Int'l., Inc.	Simms Walters Drost*	2(e)(1)	Refusal Affirmed		"AL" [threaded metal fasteners, namely, nuts and bolts]		Stine	No
1-16	EX	75/494,057	Emerson Electric Co.	Cissel* Quinn Drost	2(d)	Refusal Affirmed		"MONTEREY" [electric fans not having associated electric lighting fixtures, and parts thereof]	"MONTEREY" [electric lighting fixtures for indoor and outdoor use]	Oh	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

## SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

**January 14-18, 2002 (continued)**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
1-16	OPP	112,583	Classic Custom Vacations v. Royal Olympic Cruises, Ltd.	Quinn Walters Drost*	2(d)	Opposition Sustained	“CLASSIC,” “CLASSIC HAWAII,” <i>and</i> “CLASSIC AMERICA” [all three marks for organizing packaged vacation and travel tours] <i>and</i> “CLASSIC DESTINATION MANAGEMENT,” “CLASSIC TURKEY,” “CLASSIC GREECE,” “CLASSIC ITALY,” “CLASSIC CARIBBEAN,” “CLASSIC EUROPE,” <i>and</i> “CLASSIC PORTUGAL” [all seven marks for organizing and arranging custom and packaged vacation trips, travel tours and sightseeing tours, including on-location sports and entertainment activities and activities packages as a part thereof; wholesale and retail travel agency services, namely, making reservations and bookings for air, ground and sea transportation services and making reservations and booking for temporary lodging at hotels, resorts, condominiums]	“THE CLASSIC CRUISE” [travel agency services, namely, making reservations and bookings for transportation]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration; (2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**January 14-18, 2002 (continued)**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
1-16	OPP	111,483	Eredi Chiarini S.R.L. v. Braemore Neckwear Co.	Simms Walters* Holtzman	2(d)	Opposition Sustained	"EREDI CHIARINI" [neckties]	"CHIARINI" [clothing, namely, neckties, ascots, scarves, pocket squares, bow ties, belts, suspenders, braces, cummerbunds, vests, socks, gloves, dress shirts, sports shirts, knit shirts, boxer shorts, briefs, sweaters, pullovers, knit ties, and leather ties]			No
1-17	OPP CAN CAN	106,710 25,837 27,434	Gus Sclafani Corp. v. Violet Packing Co.	Quinn* Walters Drost	2(d); affirmative defenses of laches, acquiescence and estoppel	Opposition Dismissed; Petitions to Cancel Denied	"SCLAFANI" [a variety of food items, including cheeses, canned tomatoes, olive oil, tomato paste, canned vegetables, pasta, tomato sauce and vinegar]	"SCLAFANI" [cheeses, diced tomatoes, olive oil, blended oils for cooking, tomato filet, tomato paste, tomato puree, whole peeled tomatoes, tuna fish, and processed fruit, olives, mushrooms, and artichokes; pasta, tomato sauce and vinegar]; "SCLAFANI" [processed vegetables; pizza sauce and spaghetti sauce]; "SCLAFANI" [canned tomatoes]			No
1-17	EX	75/596,667	Toymax Inc.	Seeherman Hanak Wendel*	2(d)	Refusal Affirmed		"CANDY PLANET" [house mark for a full line of candy, ice cream, and frozen confections sold separately and as a unit with toys]	"COOKIE PLANET" [bakery products, namely, cakes, cookies, pastries, breads, brownies, blondies, and muffins; confectioneries, namely fudge]	Delaney	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**January 14-18, 2002 (continued)**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
1-18	EX	75/790,857	K.C.P.L., Inc.	Hanak* Hairston Wendel	2(d)	Refusal Affirmed (as to all cited registrations)		<p>"KENNETH" [<i>In Intl. Cl. 3: cosmetics, namely, makeup, compacts, cosmetic pencils, eye makeup remover, non-medicated lip balm, beauty masks, facial scrubs, skin soap, bath gel, bath salts, shampoo, non-medicated hair care preparations; shaving cream, shaving balm; baby, bath, body and massage oils; skin lotion; body, eye, hand and skin cream, baby and face powder; deodorants and antiperspirants; fragrances, namely, perfumes, colognes and toilet water; sun screen preparations;</i>  <i>In Intl. Cl. 25: coats, jacket s, overcoats, rainwear and topcoats, suits, blazers, shirts, slacks, dresses, sweaters, jeans, t-shirts, sweatshirts, swim wear, shorts; underwear, loungewear, lingerie, robes and pajamas; neckwear, scarves, gloves, mittens, headwear, belts; footwear, socks and hosiery]</i></p>	<p><i>As to the goods in Intl. Cl. 3:</i>  "KENNETH" [hair spray] <i>and</i>  "KENNETH" [moisture lotion, foundation make-up, filled compacts, make-up remover, hair spray, hair setting lotion, hair conditioner, perfume, cologne, shampoo, <i>and other goods</i>]</p> <p><i>As to the goods in Intl. Cl. 25:</i>  "KENNETH KNITS" [knitted tops]</p>	Awrich	No

- (1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration  
(2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**January 14-18, 2002 (continued)**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
1-17	EX	75/779,525	Frank J. Real	Hairston Chapman Bucher*	2(d)	Refusal Affirmed		"DATAGUARD" [electronic data vaulting services in the nature of electric data storage]	"DATAGUARD" [computerized business information system providing protection, storage and retrieval services]	Stone	No
1-17	EX	75/827,982	Kolp in Mfg. Inc.	Seeherman Rogers Drost*	2(d)	Refusal Reversed		"HOT SEAT" [insulated cushions for fishing, hunting and outdoor use to insulate the buttocks from and conform to irregular surfaces]	"HOT SEATS" [furniture, namely, fireside benches]	Hardy	No
1-18	EX	75/607,525	National Semi-conductor Corp.	Simms Seeherman Hanak*	2(e)(1)	Refusal Affirmed		"WEBPAD" [wireless handheld computers for accessing a global computer network]		Fink	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) \*=Opinion Writer; (D)=Dissenting Panel Member